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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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The International Indian Treaty Council is deeply concerned about continued brutal violations of human rights and fundamental freedoms committed against Indigenous Peoples throughout the world. Particularly glaring are violations resulting from military and paramilitary activities in Indigenous Peoples' territories, often carried out in conjunction with state condoned imposed development, forced relocations and land appropriations.

The IITC has received many specific cases of such documented abuses to bring to the attention of this session of the Commission. These include:

On December 15, 2000 IITC affiliate Defensoria Maya responded to the announcement of planned joint military exercises by the Guatemalan and United States Armed Forces to begin in 2001. Defensoria Maya categorically rejected this plan and voiced opposition to joint military operations in all territories, zones and communities of the Mayan Peoples.

The Indigenous Peoples of Guatemala are emerging from years of military terror, repression and genocide. They have stated that any increased militarization would undermine the reestablishment of effective social systems, democracy and the role of the state in providing educational, health, communications and other essential services to the Peoples of that country at this crucial time in Guatemala's development. Defensoria Maya, the Indigenous Peoples of Guatemala and the International Indian Treaty Council call upon the world community and this Commission to denounce this planned escalation of military activity in Guatemala.

Repression and intimidation are again on the rise in Guatemala since the coming to power of President Alfonso Portillo last year. These include assassinations and death threats against Indigenous organizations and leaders who are leading the call for ex general Rios Mont and other current and past members of the Guatemalan army responsible for the genocide against the Mayan Peoples to be brought to justice for their crimes against humanity.

Paramilitary groups again operate freely in parts of the country. Indigenous Peoples of Guatemala together with the International Indian Treaty Council stated over many years before this Commission that the paramilitary groups were controlled and directed by the military forces of Guatemala. The lack of adequate Government response in the last year to insure the security of human rights defenders inevitably will give rise to the same assumption.

Rising military and paramilitary violence not only threatens Indigenous Peoples of Guatemala. In October 2000, IITC affiliate the Kuna Youth Movement (MIKE) of Panama released a communiqué calling for international condemnations of a violent military incursion in the Embera-Waunan Indigenous Community, resulting in the death of an 11 year old girl and grave injuries to at least 12 other women and children. The incident was reported occurred when a group of armed gunmen crossed the border from Columbia into Panama, resulting in a confrontation with the Panamanian Police.

The Kuna Youth Movement and other Indigenous organizations in the region attribute this incident to an escalation of violence resulting from the so-called "Plan Columbia", promoted and funded as a drug eradication program by the United States Government. It has in fact been identified a joint counter insurgency strategy of the Columbian and US governments.

US financing of the Plan Columbia includes a massive aid package signed by President Clinton totaling 1.3 billion dollars. The MJK reported that as of October 2000, more than 400 Indians had fled their homes in the region due to the resulting increased military presence in areas already impacted by conflict.

On Saturday, December 30th, 2000 Holland's TV News Program "Nova" Showed a video of US-Funded Herbicide Spraying in the town of Ponte, Colombia over a forest stream that is the water supply for a village of Inago Indians, purportedly causing illness and skin blisters in young children and eliminating food and medicinal plants in the area. The Colombian Government denied the spraying. However, "biological warfare", in which 200 hectares a day are targeted for aerial spraying of communities with toxic herbicides such as glifosato and the fungus oxisporum is identified by the Indigenous Peoples of the area as an integral part of the "Plan Columbia", along with increased military activity.

Policies impacting Indigenous Peoples established under military dictatorships are allowed to continue under the "democratic" regimes that replace them. Displaced communities whose lands have been illegally appropriated for government supported imposed development carry out military and paramilitary repression in response to peaceful and lawful resistance.

In Chile, the Mapuche-Pehuenche Indigenous Poepels who have tradtioanlly inhabited the Upper Biobio basin contiune to be threatened by plans for construction of the second of six hydrolectric dams initiated by the fomer miliatry regime in that ocutnry.

The Pangue dam, the fisrt dam built in the area, was built despite the unamimous rejection of the Pehuenche communitites that live in the area. After severe criticsm of that Project, including doumentation htat nearly 100 families had been unlawfully pressured to swap their land and relocate agisnt their will, the World Bank has refused to finance further projects in the area. The Pehuenche have collectively told the government that they rejected the project and were not willing to relocate to other lands. However, the Biobio river´s waters were diverted in late 2000 and the company intends to begin construction of the dam in the coming months.

Dozens of Mapuche communities in the south of Chile are also presently demanding the return of land that was irregularly taken away from them under polcies faving the forest companies established under the dicatorship. Today the forest companies control over a million hectares illegally appriorated from the Mapuches.

The Mapuche community of Temu-cui-cui , situated about 5 km from Ercilla in the IX Region in Chile, continue to struggle for the recuperation of their lands taken by the logging company MININCO, in 1978. MININCO bought lands totaling 1,600 hectares from private landowners who had usurped the lands of the community in 1919.

The community holds ancestral title to the land under their 'Título de Merced' of 9 February 1884. In 1998, 1999 and ultimately in 2000 they tried to demarcate their lands, and to peacefully occupy the lands they are trying to reclaim. This has caused a number of confrontations with the police forces requested by MININCO to protect its operations.

Forest ocmpanies in this reagion have estamblished armed secutiry forces to carry out a well documneted calapin of intimidation agasint the surroudnign Idngeous commuteis who ahve been dsipalced formtehri own errorities. For example, an estimated 100 police are permanently stationed in a camp nearby to protect MININCO workers, and any movement by the Mapuches results in special forces from other towns are called in by MININCO.

Lack of Chilean govenement response to uphold the legal claims of the Mapuche or halt the abuses of private security forces have resulted in increasing numbers of protests in recent months, clashes with police and the jailing of dozens of Mapuche leaders. In Regiones VIII, IX and X, there are reportedly more than 400 Mapuches detained or charged with crimes related to assertions of ther legal claims to anscestral lands from which they contiune to be dispalced. The IITC calls upon this session of the Commssion to urge that the government of Chile implement its own laws protecting the anscestral title of the Mapuches before more repression and bloodshed results from denials of their rightful, legal claims.

To site a final example, in September 2000, the IITC notiifed the Special Rapporteur for the Elimination of Discrimination based on Religion or Belief Mr. Abdelfattah Amor, of a situation of military incursion on Indigenous lands in the United States. The Montana Air National Guard have proposed a bombing range on the Ft. Belknap Indian Communtiy in Montana. The Traditional Gros Vetnre Indian Naiton through the White Clay Society notified the IITC of their grave concerns for the environmental impacts as well as the threates to sacred sites in this area, which is located on lands recognized under their Treaty with the United States governrment.

In light of these, and many other such onoing threats to Indigenous Poeples' fudnamental human rights resulting from military activities which consitute acts of terrorism, the IITC lends its support to Commission on Human Rights resolution taken at its 56th session, 2000/30, addressing Human Rights and Terrorism.

The IITC respectfully calls upon the Special Rapporteur on Human Rights and Terrorism to address the crtical concerns included in this intervention, and to include in her future reports to the Commission the pervasive impacts on the human rights of Indigenous Peoples around the world caused by military and paramilitary activities carried out in their lands and territories.

The IITC will continue to offer our assistance to the Special Rapporteur on Human Rights and Terrorism in our capacity as a Non-Govenemntal Organizaiton with Consultative Status, by providing her with information and documentation regarding these cases directly impacting Indigenous Peoples.